RECEIVED **CENTRAL FAX CENTER** 

OCT 0 2 2006

#### TOLER SCHAFFER, LLP 5000 Plaza on the Lake, Suite 265 Austin, TX 78746

Ph. 512-327-5515 Fax 512-327-5575

## FACSIMILE COVER SHEET

DATE:

October 2, 2006

TO:

Examiner WILLIAMS.

FAX NO.:

571-273-8300

Lawrence B.

**USPTO GPAU 2638** 

FROM:

Chad Herring

Reg. No.: 41,067

**RE U.S. App. No.:** 09/903,040, filed July 10, 2001

Applicant(s): Daniel L. Moore

Atty Dkt No.: 1087-RIO445 (18235-05005)

Title:

APPARATUS AND METHOD TO SYNCHRONIZE MULTIMEDIA

PLAYBACK OVER A NETWORK USING OUT-OF-BAND

SIGNALING

NO. OF PAGES (including Cover Sheet): 19

#### **MESSAGE:**

Attached please find:

Transmittal Form (1 pg)

Reply to Advisory Action (17 pgs)

5000 Plaza On The Lake Suite 265 Austin, Texas 78746

Tel: (512) 327-5515 Fax: (512) 327-5575 CONFIDENTIALITY NOTE

The pages accompanying this facsimile transmission contain information from the law office of Toler Schaffer, L.L.P. and are confidential and privileged. The information is intended to be used by the individual(s) or entity(ies) named on this cover sheet only. If you are not the intended recipient be aware that reading disclosing copying distribution or use of the convents of this transmission is prohibited. Please notify us immediately if you have received this transmission in error at the mamber listed above and return the document to us via regular mail.

# RECEIVED CENTRAL FAX CENTER

NO. 087

P 2

OCT 0 2 2006

PTO/SB/21 (09-06) Approved for use through 03/31/2007. OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/903.040 Filing Date TRANSMITTAL July 10, 2001 First Named Inventor **FORM** Daniel L. Moore Art Unit 2638 Examiner Name WILLIAMS, Lawrence B. (to be used for all correspondence after initial filing) Attorney Docket Number 1087-RIO445 (18235-05005) Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Amandment/Reply Petition to Convert to a ~ Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please identify Terminal Disclaimer Extension of Time Request below): Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name TOLER SCHAFFER, LLP Signature Printed name Chad M. Herring Date Reg. No. 41.067 10-02-CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tradement Office. U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Jeaneaux Jordan

Typed or printed name

# RECEIVED

NO. 087

P. 3

OCT 0 2 2006

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Daniel L. Moore

Title:

APPARATUS AND METHOD TO SYNCHRONIZE MULTIMEDIA

PLAYBACK OVER A NETWORK USING OUT-OF-BAND SIGNALING

App. No.:

09/903,040

Filed:

July 10, 2001

Examiner:

WILLIAMS, LAWRENCE B. Group Art Unit:

2638

Atty. Dkt No.: 1087-RIO445 (18235-05005)

Confirmation No.:

9909

MS AF

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### REPLY TO ADVISORY ACTION

Dear Sir:

In response to the Advisory Action mailed September 1, 2006, please reconsider the above-identified application with respect to the following remarks:

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on

Jeaneaux Jordan

Typed or Printed Name